

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RAYTHEON COMPANY,

Plaintiff,

v.

CRAY, INC.,

Defendant.

ORDER

18-cv-318-wmc

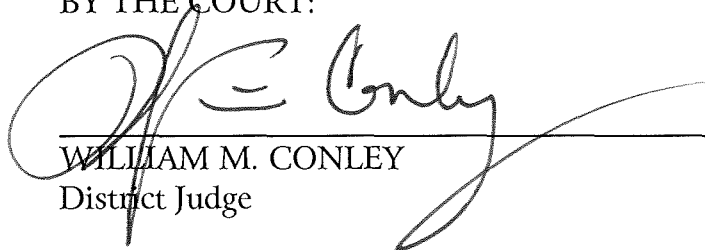
Plaintiff Raytheon Company (“Raytheon”) and defendant Cray Inc. (“Cray”) filed a joint motion (dkt. #356) asking the court to: (1) dismiss with prejudice Counts III and IV of Raytheon’s Complaint (dkt. #1) in their entirety, relating to Raytheon’s claims of infringement of U.S. Patent Nos. 8,335,909 and 9,037,833 against Cray; and (2) dismiss without prejudice Cray’s Counterclaim Nos. 3, 4, 7, and 8 (dkt. #118) seeking declaratory judgment of non-infringement and invalidity of U.S. Patent Nos. 8,335,909 and 9,037,833. Raytheon also asks the court to dismiss without prejudice Cray’s Counterclaim Nos. 9-12 (dkt. #118) seeking declaratory judgment of unenforceability based on unclean hands and inequitable conduct of U.S. Patent Nos. 8,335,909 and 9,037,833. Cray expressly reserves its right to file a motion for attorneys’ fees and costs as to the dismissed claims including, for example, under 35 U.S.C. § 285. Accordingly,

ORDER

IT IS ORDERED that the parties' joint motion to dismiss certain of plaintiff's claims of infringement and certain of defendant's counterclaims (dkt. #356) is GRANTED as set forth above.

Entered this 21st day of June, 2018.

BY THE COURT:



WILLIAM M. CONLEY
District Judge